

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 5:13-CV-00255-C
)	ECF
EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION, <i>et al.</i> ,)	
)	
Defendants)	

UNOPPOSED MOTION TO FOR LEAVE TO FILE REPLY BRIEF

Defendants Equal Employment Opportunity Commission (EEOC), Jenny R. Yang, Chair of the EEOC, and Loretta Lynch, U.S. Attorney General, within the time allowed by Local Rule 7.1(f), move the Court for leave to file a reply brief in support of their Supplemental Brief in Support of Dismissal, ECF Dckt. No. 47. The United States respectfully submits that the interests of justice and judicial economy will be served by granting it leave to file a reply brief to address the issues raised in Texas's response. A copy of the United States' proposed reply is attached hereto as Exhibit 1 for the Court's consideration. As reflected by the Certificate of Conference, Texas does not oppose the motion.

DATED: November 23, 2016

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney
General

JOHN R. PARKER
United States Attorney

JOSHUA E. GARDNER
Assistant Director, Federal Programs

Branch

s/ Brian G. Kennedy

BRIAN G. KENNEDY (D.C. Bar No.
228726)

Senior Trial Counsel

JUSTIN M. SANDBERG (IL Bar No.
6278377)

Trial Attorney

U.S. Department of Justice

Civil Division, Federal Programs

Branch

20 Mass. Ave. NW, Rm. 7302

Washington, D.C. 20001

Telephone: (202) 514-5838

Facsimile: (202) 616-8202

Justin.Sandberg@usdoj.gov

Counsel for Defendants

CERTIFICATE OF CONFERENCE

I conferred with counsel for the plaintiff, Austin R. Nimocks, via telephone on November 17, 2016. Mr. Nimocks stated that plaintiff has no objection to the request for leave to file a reply brief.

s/ Brian G. Kennedy

BRIAN G. KENNEDY

Senior Trial Counsel

U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that, on November 23, 2016, a true and correct copy of the foregoing was served by CM/ECF on:

Scott Keller
Austin Nimocks
Andrew Leonie
Andrew Oldham
Arthur D'Andrea
Michael Toth
Office of the Texas Attorney General
209 West 14th Street
P.O. Box 12548
Austin, Texas 70711-2548

s/ Brian G. Kennedy
BRIAN G. KENNEDY
Senior Trial Counsel
U.S. Department of Justice